

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:22CR00118-001BO

UNITED STATES OF AMERICA,)	
)	INSTRUCTIONS TO CRIMINAL
Plaintiff,)	DEFENDANT, CLERK'S NOTICE OF
v.)	POST-JUDGMENT GARNISHMENT,
)	RIGHT TO HAVE EXEMPTIONS
GAY CAMERON TUCKER,)	DESIGNATED, OBJECTION TO
)	ANSWER, AND REQUEST FOR
Defendant.)	HEARING.

You are hereby notified that your property is being taken by the United States of America which has a judgment against you in the above captioned case in the Eastern District of North Carolina, in the sum of \$567,270.42. A balance of \$567,270.42 remains outstanding.

In addition, you are hereby notified that there are exemptions under the law which may protect some of the property from being taken by the Government if you can show that the exemptions apply. Attached is a summary of the major exemptions which apply in situations involving a criminal debt. If you wish to claim exempt property, you must complete and return the attached exemption form.

If you are the defendant, you have a right to ask the court to return your property to you if you think the property the Government is taking qualifies under one of the above referenced exemptions.

If you want a hearing regarding your criminal exemptions, you must request one from the court within 20 days after receipt of the notice. Your request must be in writing. Not all requests are granted.

If you wish, you may request a hearing by completing the attached Request for Hearing. You must either mail it or deliver it in person to the Clerk of the United States District Court at 310 New Bern Avenue, Raleigh, North Carolina, 27601. You must also send a copy of your request to the United States Attorney's Office, Financial Litigation Unit, 150 Fayetteville Street, Suite 2100, Raleigh, North Carolina 27601, so the Government will know you want a hearing.

If you are entitled to a hearing, it may take place within 5 days after the Clerk receives your request, if you ask for it to take place that quickly, or as soon after that as possible. If you are granted a hearing, you may explain to the judge or clerk why you believe the property the Government has taken is exempt. If the Government is pursuing a writ of execution your property may be sold at public auction and the proceeds of the sale paid on the debt you owe the Government.

You are also hereby notified that unless you file a written objection to the Answer of the Garnishee explaining why you think the funds identified by the Garnishee therein are exempt under the law and request a hearing within twenty (20) days from the date of receipt of the Answer of the Garnishee, a court Order will be entered attaching the funds and the funds will be applied against the judgment owed to the United States of America.

Pursuant to 28 U.S.C. § 3205, you must state your reasons for the objection(s) and you bear the burden of proving the stated grounds.

Any objection to the Answer of Garnishee must be filed with the Clerk, U. S. District Court, P. O. Box 25670, Raleigh, North Carolina 27611. A copy must also be sent to the U. S. Attorney's Office, Financial Litigation Unit, 150 Fayetteville Street, Suite 2100, Raleigh, North Carolina 27601 and garnishee, NC Department of State Treasurer, Chief of Compliance, 3200 Atlantic Avenue Raleigh, NC 27604.

If you think you live outside the Federal judicial district in which the court is located, you may request, not later than 20 days after you receive this notice, that this proceeding to take your property be transferred by the court to the Federal judicial district in which you reside. You must make your request in writing, and either mail it or deliver it in person to the clerk of the court at 310 New Bern Avenue, Raleigh, North Carolina 27601. You must also send a copy of your request to United States Attorney's Office, Financial Litigation Unit at 150 Fayetteville Street, Suite 2100, North Carolina 27601, so the Government will know you want the proceeding to be transferred.

Be sure to keep a copy of this notice for your own records. If you have any questions about your rights or about this procedure, you should contact a lawyer, an office of public legal assistance, or the clerk of the court. The clerk is not permitted to give legal advice, but can refer you to other sources of information.

PETER A. MOORE, JR.
Clerk, United States District Court

Date _____

BY:

Clerk of Court

USA v GAY CAMERON TUCKER
Docket Number: 5:22CR00118-001BO

REQUEST FOR HEARING

____ Yes, I want a hearing within ____ 5 days; or ____ after 5 days, but within a reasonable time so I can first discuss this with the United States Attorney's Office.

Please notify me at the following address:

or telephonically at

(Home) (_____) _____
(Work) (_____) _____

I contest the following:

NOTE: You should return your Claim for Exemption Form with this notice for hearing, sending a copy of each to:

**Clerk, United States District Court
P.O. Box 25670
Raleigh, NC 27611**

**United States Attorney's Office
Financial Litigation Unit
150 Fayetteville Street, Suite 2100
Raleigh, North Carolina 27601**

USA v. GAY CAMERON TUCKER
Court Number: 5:22CR00118-001BO

CLAIM FOR EXEMPTIONS FORM
(EXEMPTIONS UNDER FEDERAL LAW (18 U.S.C. § 3613))

The law provides that certain property and wages cannot be taken. Such property is said to be exempt. This Notice lists the exemptions under applicable federal law. There is no exemption solely because you are having difficulty paying your debts.

If you claim an exemption, you must fill out this Claim for Exemption Form and deliver or mail the form to:

Clerk, United States District Court
310 New Bern Avenue, 5th Floor (deliver)
P.O. Box 25670 (mail)
Raleigh, North Carolina 27611

You must also send a copy of the form to:

United States Attorney's Office
Financial Litigation Unit
150 Fayetteville Street, Suite 2100
Raleigh, North Carolina 27601.

I claim that the exemption(s) that are checked below apply in this case:

- ☐ 1. Wearing apparel and school books. Such items of wearing apparel and such school books as are necessary for the debtor or for members of his family.
- ☐ 2. Fuel, provisions, furniture, and personal effects. So much of the fuel, provisions, furniture, and personal effects in the Debtor's household, and of the arms for personal use, livestock, and poultry of the debtor, as does not exceed \$10,810.00 in value.
- ☐ 3. Books and tools of a trade, business, or profession. So many of the books and tools necessary for the trade, business, or profession of the debtor as do not exceed in the aggregate \$5,400.00 in value.

____ 4. Unemployment benefits. Any amount payable to an individual with respect to his unemployment (including any portion thereof payable with respect to dependents) under an unemployment compensation law of the United States, of any State, or of the District of Columbia or of the Commonwealth of Puerto Rico.

____ 5. Undelivered mail. Mail addressed to any person, which has not been delivered to the addressee.

____ 6. Certain annuity and pension payments. Annuity or pension payments under the Railroad Retirement Act, benefits under the Railroad Unemployment Insurance Act, special pension payments received by a person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor roll(38 U.S.C. 1562), and annuities based on retired or retainer pay under Chapter 73 of Title 10 of United States Code.

____ 7. Workmen's Compensation. Any amount payable with respect to compensation (including any portion thereof payable with respect to dependents) under a workmen's compensation law of the United States, any State, the District of Columbia, or the Commonwealth of Puerto Rico.

____ 8. Judgments for support of minor children. If the debtor is required by judgment of a court of competent jurisdiction, entered prior to the date of levy, to contribute to the support of his minor children, so much of his salary, wages, or other income as is necessary to comply with such judgment.

____ 9. Certain service-connected disability payments. Any amount payable to an individual as a service-connected (within the meaning of section 101(16) of Title 38, United States Code) disability benefit under (A) subchapter II, III, IV, V, or VI of Chapter 11 of such Title 38 or (B) Chapter 13, 21, 23, 31, 32, 34, 35, 37 or 39 of such Title 38.

____ 10. Assistance under Job Training Partnership Act. Any amount payable to a participant under the Job Training Partnership Act (29 U.S.C. 1501 et seq.) From funds appropriated pursuant to such Act.

IT MAY BE HELPFUL FOR YOU TO CONSULT WITH AN ATTORNEY IN THIS MATTER.

The statements made in this Claim for Exemption Form as to exemption entitlement and fair market value of the property designated are made and declared under penalty of perjury that they are true and correct.

Defendant

Date_____